

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMY COOK,

Plaintiff,

v.

HOSPICE CARE OF SOUTHWEST
MICHIGAN INC.,

Defendant.

Case No. 21-377

Hon. Paul L. Maloney

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**CORRECTED JOINT MOTION TO
APPROVE FLSA SETTLEMENT**

Plaintiff Amy Cook and Defendant Hospice Care of Southwest Michigan Inc. jointly request that the Court enter an order approving their settlement agreement, which fully, fairly, and forever resolves Cook's overtime claims alleged in this case. In support of their motion, the parties state that:

1. Cook brought a claim under the Fair Labor Standards Act (FLSA) and alleged that Defendant failed to pay her overtime compensation.
2. Defendant denied those allegations, but to avoid the potential expense, inconvenience, delay, and uncertainty of further litigation, the parties have agreed to settle and fully resolve Cook's overtime claims after extensive, comprehensive negotiations.
3. In accordance with their settlement, the parties prepared a written settlement agree-

ment that provides for full compensation to Cook for all amounts owed under the FLSA. The parties agree that their settlement agreement represents a fair and reasonable compromise of a bona fide dispute under the FLSA.

4. As required by the FLSA, the parties seek the Court's approval of their settlement agreement, the terms of which contemplate the Court's approval of the settlement. 29 U.S.C. 216(c); *McConnell v. Applied Performance Technologies Inc.*, 98 F. App'x 397, 398 (6th Cir. 2004); *Walton v. United Consumers Club Inc.*, 786 F.2d 303, 306-07 (7th Cir. 1986); *Lynn's Food Stores v. United States*, 679 F.2d 1350 (11th Cir. 1982); *Cruz v. Don Pancho Market LLC*, No. 15-698, 2016 WL 4505747, at *1 (W.D. Mich. Aug. 29, 2016).

5. The parties have provided a copy of their settlement agreement for the Court's consideration as Exhibit 1.

6. The parties have filed a corrected motion to approve their FLSA settlement to submit the correct copy of their FLSA settlement agreement for review.

7. Upon approval of the settlement agreement by the Court, the parties will promptly file a stipulation to dismiss in accordance with Federal Rule of Civil Procedure 41.

RELIEF REQUESTED

The parties therefore request that the Court enter an order approving their settlement agreement in substantially the same form as Exhibit 2.

AMY COOK

HOSPICE CARE OF SOUTHWEST
MICHIGAN INC.

By: /s/ Mark S. Wilkinson

By: /s/ Rebecca L. Strauss (with consent)

Mark S. Wilkinson (P68765)
Attorney for Plaintiff

Rebecca L. Strauss (P64796)
Attorney for Defendant

Dated: January 25, 2022

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